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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,504	10/31/2000	Arthur Zavalovsky	50325-0128	2959

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HICKMAN PALERMO TRUONG & BECKER, LLP  
1600 WILLOW STREET  
SAN JOSE, CA 95125

EXAMINER

BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/703,504

Applicant(s)

ZAVALKOVSKY ET AL.

Examiner

Djenane M Bayard

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 12 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10, 11, 13-16 and 18-22 is/are rejected.
- 7) ☒ Claim(s) 5 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Argument***

1. This is in response to amendment filed on 4/29/04 in which claims 1-22 are pending. The applicant's amendment has been fully considered but they are moot based on the new ground of rejection. Therefore, this case is made final.

2. As per claims 1, 10 and 13, applicant argues that there is no disclosure in Vacante et al that teaches "making the new configuration information active... only in response to receiving an activation message". The examiner agrees and introduces Widegren et al as prior art in order to teach the claimed limitation. Furthermore, as per the claimed limitation "storing the active QoS configuration information and the inactive configuration in logically separate areas of memory of a network device that serves as the policy enforcement", Vacante et al teaches storing two different configurations at the network device. It is inherent that the two configurations are stored in logically different memory location in order not to overlap each other.

As per claim 8 and 20, the applicant argues the lack of relationship between interpreting the context of other objects based on a context object sent or determining a kind of decision to return to the PDP. The examiner disagrees. Putzolu et al teaches a policy protocol designed to communicate request message at run-time to PDP in response to external action within the network. The applicant's argument is moot. Therefore, the rejection stand as stated.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,651,191 to Vacante et al in view of U.S. Patent No. 6,621,793 to Widegren et al.

a. As per claims 1, 10, 13, Vacante et al teaches a method of enforcing network quality of service policy information at one or more policy enforcement points, the method comprising the computer-implemented steps of: receiving active QoS configuration information at a policy enforcement point (See col. 6, lines 44-48); receiving new configuration information and storing the new configuration information as an inactive configuration of the policy enforcement point (See col. 6, lines 52-59); storing the active QoS configuration information and the inactive configuration in logically separate areas of memory of a network device that serves as the policy enforcement (See col. 6, lines 52-64 Remarks: Vacante et al teaches storing two different configurations at the network device. It is inherent that the two configurations are stored in logically different memory location in order not to overlap each other); determining whether the inactive configuration information is properly functional in combination with the active QoS configuration information (See col. 6, lines 58-60). However, Vacante et al fails to teach making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation message.

Widegren et al teaches making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation message (See col. 8, lines 3-6).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation message as taught by Widegren et al in the claimed invention of Vacante et al in order to filter and gate data in packet data networks (See col. 1, lines 16-17)

5. Claims 3, 7-8, 15 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,651,191 to Vacante et al in view of U.S. Patent No. 6,611,864 to Putzolu et al.

a. As per claims 3 and 15, Vacante et al teaches the claimed invention as described above. However, Vacante et al fails to teach wherein the step of receiving new configuration information further comprises the steps of receiving a decision message from the policy decision point and determining whether the decision message identifies an inactive configuration.

Putzolu et al teaches extensible policy-based network management architecture. Furthermore, Putzolu et al teaches wherein the step of receiving new configuration information further comprises the steps of receiving a decision message from the policy decision point and

determining whether the decision message identifies an inactive configuration (See col. 5, lines 5-10)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the step of receiving new configuration information further comprises the steps of receiving a decision message from the policy decision point and determining whether the decision message identifies an inactive configuration as taught by Putzolu et al in the claimed invention of Vacante et al in order to allow PEPs to be more flexible both in actions and conditions they support and the classes of problems that can be addressed (See col. 5, lines 24-27).

b. As per claims 4 and 16, Vacante et al teaches the claimed invention as described above. However, Vacante et al fails to teach wherein receiving a COPS decision message from the policy decision point that identifies the configuration information as an inactive configuration by a specified message type value in a Context object that forms part of the decision message.

Putzolu et al teaches receiving a COPS decision message from the policy decision point (See col. 3, lines 12-15) that identifies the configuration information as an inactive configuration by a specified message type value in a Context object that forms part of the decision message (See col. 4, lines 17-22).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate receiving a COPS decision message from the policy decision point that identifies the configuration information as an inactive configuration by a specified message type value in a Context object that forms part of the decision message as taught by Putzolu et al in the

claimed invention of Vacante et al in order to evaluate whether an action should be taken or not (See col. 5, line 4).

c. As per claims 6 and 18, Vacante et al teaches the claimed invention as described above. Furthermore, Vacante et al teaches wherein determining whether the inactive configuration information is properly functional comprises the steps of combining the inactive configuration information with the active QoS configuration to result in creating a combined configuration and carrying out one or more consistency checks using the combined configuration without actually deploying the combined configuration to the policy enforcement point (See col. 52-67).

d. As per claims 7 and 19, Vacante et al teaches the claimed invention as described above. Furthermore, Vacante et al teaches updating the active QoS configuration information using the inactive configuration and thereby deploying the inactive configuration as a new active configuration; copying the active configuration to the inactive configuration and making the new configuration information active in place of the active QoS configuration information. However, Vacante et al fails to teach receiving an activation message comprises the steps of: receiving an empty install decision message from the policy decision point.

Putzolu et al teaches receiving an activation message comprises the steps of: receiving an empty install decision message from the policy decision point (See col. 1, lines 62-64).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate receiving an activation message comprises the steps of: receiving an empty install decision message from the policy decision point as taught by Putzolu et al in the



claimed invention of Vacante et al order to define an extension for the COPS protocol for each new type of managed network resource (See col. 1, lines 60-61).

e. As per claims 8 and 20, Vacante et al teaches the claimed invention as described above. Furthermore, Vacante et al teaches making the new configuration information active in place of the active QoS configuration information, deleting the inactive configuration; copying the active configuration to the inactive configuration (See col. 6, lines 55-67). However, Vacante et al fails to teach only in response to receiving activation message comprises the steps of receiving an install named object decision message from the policy decision point; installing the object named in the decision message as the active QoS configuration information

Putzolu et al teaches receiving an install named object decision message from the policy decision point; installing the object named in the decision message as the active QoS configuration information (See col. 4, lines 17-22).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate receiving an install named object decision message from the policy decision point; installing the object named in the decision message as the active QoS configuration information as taught by Putzolu et al in the claimed invention of Vacante et al in order to evaluate whether an action should be taken or not (See col. 5, line 4).

7. Claims 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,611,864 to Putzolu in view of U.S. Patent No. 6,651,191 to Vacante et al and further in view of U.S. Patent No. 6,621,793 to Widegren et al.

a. As per claim 11, Putzolu et al teaches enforcing network quality of service policy information at one of a plurality of policy enforcement points, comprising: one or more network interfaces one or more processors coupled to the one or more network interfaces for receiving network information therefrom and enforcing one or more network quality of service policies thereon; one or more stored sequences of instructions accessible to the one or more processors and which, when executed by the one or more processors (See col. 6, lines 51-62). However, Putzolu et al fails to teach creating and storing active QoS configuration information at one of the plurality of policy enforcement points; receiving new configuration information and storing the new configuration information as an inactive configuration of the policy enforcement point; storing the active QoS configuration information and the inactive configuration in logically separate areas of memory of a network device that serves as the policy enforcement; determining whether the inactive configuration information is properly functional in combination with the, active QoS configuration information; making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation message.

Vacante et al teaches creating and storing active QoS configuration information at one of the plurality of policy enforcement points (See col. 6, lines 44-48); receiving new configuration information and storing the new configuration information as an inactive configuration of the policy enforcement point (See col. 6, lines 52-59); determining whether the inactive configuration information is properly functional in combination with the, active QoS configuration information (See col. 6, lines 58-60); making the new configuration information

active in place of the active QoS configuration information only in response to receiving an activation message (See col. 6, lines 64-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to creating and storing active QoS configuration information at one of the plurality of policy enforcement points; receiving new configuration information and storing the new configuration information as an inactive configuration of the policy enforcement point; determining whether the inactive configuration information is properly functional in combination with the, active QoS configuration information; making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation message as taught by Vacante et al in the claimed invention of Putzolu et al in order to detect in advance of policy deployment whether a policy can be implemented by a specific target (See col. 2, lines 38-40).

Widegren et al teaches making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation message (See col. 8, lines 3-6).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation message as taught by Widegren et al in the claimed invention of Putzolu in view of Vacante et al in order to filter and gate data in packet data networks (See col. 1, lines 16-17)

8. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,651,191 to Vacante et al in view of U.S. Patent No. 6,621,793 to Widegren et al and further in view of U.S. Patent No. 6,170,009 to Mandal et al.

a. As per claim 21 and 22, Vacante et al teaches a method of enforcing network quality of service policy information at a policy enforcement points, the method comprising at each of the plurality of policy enforcement points performing the computer implemented steps of: receiving active qos configuration information at a policy enforcement point; receiving new configuration information and storing the new configuration information as an inactive configuration of the policy enforcement point; storing the active QOS configuration information and the inactive configuration in logically separate areas of memory of a network device that serves as the policy enforcement point; determining whether the inactive configuration information is properly functional in combination with active configuration information;

However, Vacante et al fails to teach a method of enforcing network quality of service policy information at a plurality of policy enforcement points; making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation message.

Widegren et al teaches making the new configuration information active in place of the active QoS configuration information only in response to receiving an activation message (See col. 8, lines 3-6).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate making the new configuration information active in place of the active

QoS configuration information only in response to receiving an activation message as taught by Widegren et al in the claimed invention of Vacante et al in order to filter and gate data in packet data networks (See col. 1, lines 16-17).

Mandal et al teaches controlling devices on a network through policies. Furthermore, Mandal et al teaches a method of enforcing network quality of service policy information at a plurality of policy enforcement (See col. 7, lines 30-67)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a method of enforcing network quality of service policy information at a plurality of policy enforcement as taught by Mandal et al in the claimed invention of Vacante et al in view of Widegren et al in order to facilitate high level control over a group of devices coupled to a computer network (See col. 1, lines 53-56).

#### ***Allowable Subject Matter***

9. Claims 5,9,12,17 are allowed.


#### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (703) 305-6606. The examiner can normally be reached on 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Djenane Bayard

  
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SUPERVISORY PATENT EXAMINER